

Application No. 09/735,443  
Amendment "A" dated August 27, 2004  
Reply to Office Action mailed February 27, 2004

## **REMARKS**

### **Introduction**

The Office Action of February 27, 2004 rejected claims 1-25. By this amendment, claims 1-7, 11-12, 14, and 17 have been amended, claims 19-25 have been cancelled, and new claims 26-32 have been added. Claims 1-32 are currently pending. Reconsideration and allowance for the above-identified application are now respectfully requested. For the convenience of the Examiner, these remarks address the issues in the order presented in the Office Action.

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1, 2, 4-6, and 9-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,456,699 (Burg). Anticipation requires that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The following discussion illustrates Burg does not anticipate claims 1, 2, 4-6, and 9-11. More particularly, the elements of claims 1, 2, 4-6, and 9-11 are not found in the cited references nor are the elements found in the cited references as set forth as in claims 1, 2, 4-6, and 9-11.

Claim 1 as amended now requires a first access device of a first type and a second access device of a second type. The first access device includes a touchpad with a plurality of numbered keys that, when selected by a user, cause the first access device to generate a signal that is converted into a request for specified classes of information. The second access device

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has an icon group arranged similarly to the touchpad. When an icon is selected from the icon group, the second access device requests the specified classes of information.

One of the advantages of an icon group that is arranged similarly to the touchpad is that the interface is uniform from the perspective of the user from both the first access device and the second access device. Thus, a particular key and a particular icon both result in a request for the specified classes of information even though the first access device is of a first type and the second access device is of a different second type.

Burg does not teach the elements of claims 1, 2, 4-6, and 9-11. Figure 6 of Burg illustrates a computer 84 and a telephone 87. Burg does not teach or suggest, however, that the interface of the computer is configured to resemble the interface of the telephone, whereas claim 1 requires an interface of a second access device having an icon group that is similarly configured to the touch pad of the first access device. For example, depressing a particular key on the telephone 87 of Burg may access a particular menu item. However, Burg does not teach a corresponding icon on the computer 84 that will access the same menu item.

In fact, Burg does not discuss the interfaces of the computer 84 and the telephone 87 but instead provides a system and method for analysis and translation of Web on-line menu architectures to Interactive Voice Response (IVR) menu architectures. *See abstract.* In other words, Burg appears to be focused on ensuring that the databases can support both web access and IVR access, but does not teach or suggest that the interface of the second access device be similarly configured to the interface of the first access device. As a result, claims 1 and 6 are not anticipated by Burg and are believed to be in condition for allowance. Claims 2, 4-5, and 9-11 depend from one of claims 1 and 6 and also overcome the cited art for at least this reason.

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**Claim Rejections under 35 U.S.C. § 103**

Claims 3, 7-8, 12-18, 19-24, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burg in view of U.S. Patent No. 5,790,652 (Gulley). Claims 19-25 have been cancelled. As suggested by the Examiner on page 7 of the Office Action, Burg does not teach or suggest the following:

- i. Displaying the first interface as a representation of a first numeric keypad (similar to the second standard telephone keypad) to transmit requests to the server.
- ii. Receiving input at the access device in response to selection of a particular key of the first numeric keypad that corresponds to the second numeric keypad.
- iii. In response to the input from the first (graphical keypad, transmitting a request from the access device to the server for a specific class of information.

The Office Action cites Gulley to overcome these deficiencies. The Office Action suggests that Gulley discloses a graphically displayed representation of a key configuration generally similar to a touchpad of a touchtone telephone implemented with a computer and able to be reprogrammed to perform various functions.

However, Figure 1 of Gulley illustrates a phone device interconnected with a personal computer. The phone device of Gulley, however, is not what is required by claim 12. More particularly, claim 12 requires a first numeric touchpad having a configuration that is generally similar to the configuration of a second numeric touchpad on a telephone. Claim 12 further

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requires receiving input in response to a selection of a particular key of the first numeric touchpad that corresponds to the particular key of the second numeric touchpad.

Gulley does not teach this aspect of claim 12. In particular, even if it is assumed that the phone device has a touchpad that is similar to the touchpad of a second numeric touchpad, the input from the phone device of Gulley does not correspond to input from the corresponding key of the second numeric touchpad. Gulley explicitly teaches that the phone device includes "a small writable graphic display panel that reveals that key's function or supplies relevant information to the user." See col. 1, lines 49-52.

More particularly, Figures 3-10 illustrate eight different keypad displays utilized in connection with eight corresponding mode states of the phone device. As a result of this teaching, the input from a particular key of Gulley does not, as required by claim 12, correspond to input from the particular key of the second numeric touchpad that corresponds to the particular key of Gulley.

Further, claim 12 also requires that the input be converted into an HTML request if the access device does not automatically generate the HTML request from the input. Neither Burg nor Gulley teach or suggest converting an input into an HTML request. The computer of Burg may already generate an HTML request, but the IVR system taught by Burg does not appear to convert input into an HTML request because the web menu architecture has been translated to an IVR menu architecture. See col. 7, lines 24-26.

For at least these reasons, claim 12 is believed to overcome the cited art and is believed to be in condition for allowance. Claims 13-18 depend from claim 12 and are in condition for allowance for at least these reasons.

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### **New Claims**

The new claims 26-32 are not believed to be anticipated or taught by the cited references for at least the reasons discussed above and are therefore believed to be in condition for allowance.

### **Conclusion**

Applicant respectfully notes that the discussion herein should not be construed to constitute an exhaustive enumeration of the distinctions between the claims of the present application and the references cited by the Examiner. Instead, such distinctions are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner.

Applicant notes further that the arguments and/or amendments presented herein have been made merely to clarify the claimed invention from elements purported by the Examiner to be disclosed by the cited prior art references. Such arguments and/or amendments should not, however, be construed as an acquiescence on the part of the Applicant as to the purported teachings or prior art status of any of the cited references, nor as to any characterization of the cited references advanced by the Examiner. Accordingly, Applicant reserves the right to challenge the purported teaching and prior art status of any and all of the cited references at any appropriate time.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

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Dated this 27 day of August 2004.

Respectfully submitted,



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